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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In the Matter Of )  
 )  
 ) CC DOCKET 92-77  
Billed Party Preference )  
for 0+InterLATA Calls )

COMMENTS OF MONMOUTH COUNTY CORRECTIONAL INSTITUTION

I am Anthony W. Pellicane, Director of Corrections for Monmouth County (NJ) and Superintendent of the Monmouth County Jails, facilities which house 1300 inmates and process over 20,000 offenders annually.

Our agency vehemently opposes the intended changes to the above referenced matter for inmate management as well as financial reasons. While we benefit from our current arrangements with our inmate phone service providers, those contractors provide a single source of responsibility for service which cannot be replaced under the proposed regulations. For less money and more reliability, we have phone number blocking, fraud control and other call controls required to protect judges, witness, victims and administrators and the general public from the routine harassment and fraud often emanating from inmates. To tamper with the present arrangement would effectively eliminate such protection, replacing these needed services with a patchwork of similar services performed erratically by numerous carriers on an as needed basis. As a result, the regulations would compromise

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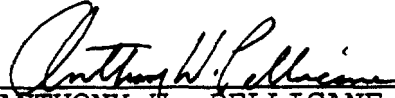
the integrity of the criminal justice system by inviting manipulation and tampering of witnesses, victims and participants in the judicial process.

In addition, our financial benefits from the status quo go to finance numerous programs which benefit inmate welfare. Not only would these aforementioned programs need to be cut as a result of the new regulations but the increased overall phone charges would also force us to cut phone service availability to the inmates. Thus, the current state of many phones in a pod/wing will be replaced by a few (1 or 2) coin operated phones in the same area, with a Corrections Officer directly monitoring the resulting line-up of users and their usage allotments. Consequently this arrangement would provide inferior needed phone service to the inmate at exorbitant staff supervision expense previously unincurred by the institution.

An added problem is that by providing much fewer phones to burgeoning inmate populations raises constitutionality questions. After all, under the proposed regulations, the inmates would get their choice of carrier but would be deprived sufficient access to phones for legitimate usage like preparing their defense case with their attorneys. This in turn restricts their right to access to counsel, which creates an legitimate constitutional challenge to their trial/conviction and results in the County paying for the appeals required to defend against such claims. Under the present system, we do not have to worry about such

challenges emanating from phone access because legitimate phone access is not restricted. But, if the proposed system is enacted, we would have to add appeal representation fees to the other costs the new system would generate for us.

We tightly control our rate structure and our contract with our inmate phone service provider to guarantee fair rates for inmate phone service. In addition, we do not tolerate any rate gouging from our contractor and would terminate our contract with him upon any such discovery--thus preserving fair treatment for inmates and their families. To deregulate inmate phone service on the individual level, however, will only wind up harming the inmate because the institution would be deprived of a needed income source and the inmates will suffer from reduced social service programs, phone service and outside contact as a result.

  
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